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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
097098,614	06/17/98	HOLMES	H 22014.0002

GREGORY J KIRSCH  
NEEDLE & ROSENBERG  
SUITE 1200, THE CHANDLER BUILDING  
127 PEACHTREE STREET N E  
ATLANTA GA 30303-1811

LM02/0203

EXAMINER
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NGUYEN, D

ART UNIT	PAPER NUMBER
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2745

DATE MAILED:

02/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/098,614**

Applicant(s)  
**Holmes et al**

Examiner  
**Duc Nguyen**

Group Art Unit  
**2745**



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-6 and 8 is/are allowed.

☒ Claim(s) 7 and 9 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 6, 7 & 9

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The references listed in the information disclosure statement submitted on 6/21/99, 7/1/99 and 10/15/99 have been considered by the examiner (see attached PTO-1449).

### ***Specification***

2. The disclosure is objected to because of the following informalities: the phrase "Error! Bookmark not defined" on pages 11, 13 and 14 should be replaced with the appropriate paragraph or symbols.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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4. Claims 7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by **LaPorta et al** (US Patent No. **5,970,122**).

Regarding claims 7, 9, **LaPorta** discloses a two-way wireless messaging system which includes all the limitations (see **Figs. 1-3** and **Abstract, cols. 1-2, 14-15**), wherein a data network, or a PSTN, or a cellular network would read on a 'selected communication connection', a pager would read on a 'wireless communication device'.

***Allowable Subject Matter***

5. Claims 1-6, 8 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

As to claims 1, 8, the cited prior art fails to disclose or made it obvious a method or apparatus for a messaging process for use with a wireless communication device which comprises the steps as specified in the claims, wherein a temporary reply address is created in the same format of the destination address, and wherein the reply message is forwarded to the originator based on the originating reply address associating with the temporary reply address.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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- **LaPorta et al** (US Patent Number 6,014,429), Two-way wireless messaging system with transaction server.

- **Rasor** (US Patent Number 5,714,943), Radio data interface device.

- **Wicks et al** (US Patent Number 5,796,394), User interface and rule processing for a personal communications routing systems.

- **Keyworth, II et al** (US Patent Number 5,579,472), Group-oriented communications user interface.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 (for formal communications intended for entry)

**or:**

(703) 308-6296 (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington VA, Sixth Floor (Receptionist).

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Any inquiry concerning this communication or communications from the examiner should be directed to Duc Nguyen whose telephone number is (703) 306-4531.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Duc Nguyen DN

Jan 28th, 2000

*Nguyen V*  
*1/29/00*

**NGUYEN VO  
PRIMARY EXAMINER**